

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, March 1, 2004

Division One

A102383 -- In re R.Y. et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Children & Family Services Bureau v. Lataya Y.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A101762 -- Luis Walters Camacho et al. v. Robert Mellett.

Order Modifying Opinion (Change in Judgment). It is ordered that the opinion filed herein on January 29, 2004, be modified in the following particulars. (See order.) These modifications effect a change in the judgment. The petition for rehearing is denied. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A101235 -- Moraga-Orinda Fire Protection District, et al. v. Steven Weir, et al.

By the Court: The petition for rehearing and request for depublication are denied. McGuinness, P.J.

Monday, March 1, 2004 (continued)

Division Four

A102449 -- The People v. Tu Van Dang.

Judgment affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J.
(Not for Publication.)

Tuesday, March 2, 2004

Division One

A103530-- In re Torn S., a Person Coming Under the Juvenile Court Law. The People v. Torn S.

In sum, we have thoroughly reviewed the record and find no arguable issues. While we have selected certain matters for discussion, we have scrutinized the record in its entirety. There are no issues requiring further briefing. The dispositional order is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Four

A102968 -- Frederick Feied v. Regents of the University of California et al.

The judgment is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A098872 -- The People v. Roy Lopez Garcia.

The judgment is affirmed. Reardon, J. I Concur: Kay, P.J. (See dissenting opinion by Rivera, J.) (Certified for Partial Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, March 2, 2004

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco, California. Present: Reardon, Acting P.J., Sepulveda, J. and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Arnold Stamps, Bailiff.

A103596 Lucia Prado
v.
Fred Damato et al.
Cause called. Eric Schenk argued for appellant Prado. John Halley and Linda L. Mallette argued for respondents. Cause submitted.

The court adjourned at 9:53 a.m.

Wednesday, March 3, 2004

Division Two

A101829 -- Dan Hamburg et al. v. Wal-Mart Stores, Inc., et al.

The Court: Order Modifying Opinion and Certifying Opinion for Publication. It is ordered that the unpublished opinion filed herein on February 10, 2004, be modified as follows: (See order.) There is no change in the judgment. The opinion in the above-entitled matter filed on February 10, 2004, was not certified for publication in the Official Reports. For good cause it now appears that the opinion, as modified herein, should be published in the Official Reports and it is so ordered. Listing of counsel for the Official Reports is attached hereto. Kline, P.J. (Certified for Publication.)

A101749 -- The People v. Ervin Putnam.

The Court: Order Modifying Opinion. It is ordered that the opinion filed herein on February 3, 2004, and reported in the Official Reports (115 Cal.App.4th 575) be modified as follows: (See order.) There is no change in the judgment. Kline, P.J. (Certified for Publication.)

Division Four

A099094 -- The People v. David J. Barreda.

Judgment is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Thursday, March 4, 2004

Division One

A099237 -- The People v. Raymond Annin.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J.,
Margulies, J. (Certified for Partial Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, March 4, 2004

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., Margulies, J., and F. Abad, Deputy Clerk.

A101150 In re Shane L.
 The People,
 v.
 Shane L.
Cause called and argued by Alan Dell'Ario, counsel for appellant, and Martin Kaye, counsel for respondent. Cause ordered submitted.

A095642 The People,
 v.
 Lee Roy Robblee.
Cause called and argued by Violet Grayson, counsel for appellant, and Michele Swanson, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Marchiano left the bench and Justice Swager joined the bench. Justice Stein presided over the remaining cases on calendar.

A102850 In re Ugo G.
 The People,
 v.
 Ugo G.
Cause called and argued by David Martin, counsel for appellant, and Bridget Billeter, counsel for respondent. Cause ordered submitted.

A102248 Frank Zeller, Jr.,
 v.
 Georgeanne Klein.
Cause called and argued by Joseph Turri, counsel for appellant, and Brooke Brigham, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, March 4, 2004

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., Swager, J., and B. Robbins, Deputy Clerk.

A099937 The People,
 v.
 Shayne Dawkins.
Cause called and argued by Barbara Michel, counsel for appellant, via teleconference, and Dorian Jung, counsel for respondent. Cause ordered submitted.

A101537 The People,
 v.
 Joselito Ricafort.
Cause called and argued by John J. Jordan, counsel for appellant, and Stan Helfman, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Stein left the bench and Justice Margulies joined the bench.

A101380 The People,
 v.
 Joseph Henry Ellington.
Cause called and argued by Violet Elizabeth Grayson, counsel for appellant, and Michelle Pirozzi, counsel for respondent. Cause ordered submitted.

A102867 In re the Marriage of Bert J. Postman and A. Catrin Hasson.
 A. Catrin Hasson,
 v.
 Bert J. Postma.
Cause called and argued by Kim M. Robinson, counsel for appellant, and Janet Carol Mangini, counsel for respondent. Cause ordered submitted.

A101954 JVC De Mexico, S.A., De C.V.,
v.

American President Lines, Ltd.

Cause called and argued by David M. Salentine, counsel for appellant, and Robert A. Bleicher, counsel for respondent. Cause ordered submitted.

Court adjourned.

No cases will be heard on Friday, March 5, 2004.

Thursday, March 4, 2004 (continued)

Division Three

A102112 -- The People v. Martin Rodriguez Ayala.

The commitment order is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A097435 -- John Garamendi, as Insurance Commissioner, etc. v. Golden Eagle Insurance Company, Scott Cade et al.

The matter is remanded to the liquidation court to determine whether Golden Eagle is estopped from asserting its coverage defenses. If the liquidation court finds that Golden Eagle is estopped from asserting its coverage defenses, then the order, dated November 9, 2001, determining the amounts claimants are entitled to recover under Golden Eagle's policies, should be modified to determine that claimants are entitled to recover \$283,322.33 for property damage, \$540,000.00 for damages as assignees of Lyon, and \$139,416.44 for costs, for a total of \$962,738.77, plus interest at the legal rate from July 9, 1996. If the liquidation court determines that Golden Eagle is not estopped from asserting its coverage defenses, then the order should be modified to determine that claimants are not entitled to recover any damages for property damage or as assignees of Lyon but are entitled to recover \$139,416.44 in costs, plus interest at the legal rate from July 9, 1996. In either event, claimants are not entitled to recover for personal injury or for their attorney fees. In all other respects, the orders from which these appeals have been taken are affirmed. The parties shall bear their respective costs on appeal. Pollak, J. We Concur: McGuinness, P.J., Corrigan, J. (Certified for Partial Publication.)

Division Four

A104039 -- The People v. Harold Joseph Powell.

Judgment affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Thursday, March 4, 2004 (continued)

A105317 -- In re T.V., a Person Coming Under the Juvenile Court Law. Brianna J. v. The Superior Court of Contra Costa County; Contra Costa County Children and Family Services Bureau, R.P.I.

The petition is denied on the merits (Cal. Rules of Court, rule 39.1B(o)), and this decision is final immediately (Cal. Rules of Court, rule 24(b)(3)). Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

A102278 -- David Gibney v. William Blasewitz.

The judgment is affirmed. Respondent Gibney is awarded his costs on appeal. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Friday, March 05, 2004

Division One

A104213 -- The People v. Louwegie Wade Cortez.

The judgments are affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A093094 -- In re Kanuri Surgury Qawi, on Habeas Corpus.

Therefore, the writ of habeas corpus is granted solely to the extent that the Medical Director of Napa State Hospital is ordered to refrain from administering involuntary anti-psychotic medication to Petitioner, in a nonemergency situation, absent: (1) a judicial finding that he is incompetent or incapable of making decisions about his medical treatment or, in the alternative, a judicial finding that he is dangerous within the meaning of Welfare and Institutions Code section 5300; and/or, (2) regulations promulgated by the State Department of Mental Health authorizing the administration of involuntary anti-psychotic medication to Mentally Disordered Offenders based on the necessity of providing security for staff and patients in the state's inpatient mental health facilities. In all other respects, the petition is denied. Pursuant to stipulation of the parties, this opinion is final for all purposes immediately upon filing, and the clerk of this court shall immediately issue the remittitur. (See *Ng v. Superior Court* (1992) 4 Cal.4th 29, 34, fn. 1; Cal. Rules of Court, rule 26(c)(1).) Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A103502 -- The People v. Jose L. Martinez.

The gang offender registration requirement is stricken from the judgment, and the trial court is directed to amend its records accordingly. As so modified, the judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Certified for Publication.)

A102924 --The People v. Scedrick O. Tippins.

The order terminating probation and referring defendant to the Department of Corrections is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Friday, March 05, 2004 (continued)

Division Two

A101788 -- Mary Keitel v. George W. Heubel, et al.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A101894 -- The People v. Timothy Douglas Morse.

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A093387 -- The People v. Henry Maxie Wheeler.

A102427 -- In re Henry Maxie Wheeler, on Habeas Corpus.

The judgment is reversed. The relief requested in Wheeler's accompanying habeas corpus petition having been granted on direct appeal, the habeas petition is hereby dismissed as moot. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A104292 -- In re Byron B., a Person Coming Under the Juvenile Court Law. The People v. Byron B.

In sum, we find no arguable issues for review pursuant to *People v. Wende*, *supra*, 25 Cal.3d 436. The jurisdictional order of September 10, 2003, and the dispositional order of September 24, 2003, are affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

A103130 -- The People v. Jeffrey Todd Buyrounas.

The judgment is reversed. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

Friday, March 05, 2004 (continued)

A103197 -- In re D.R.S., a Person Coming Under the Juvenile Court Law. The People v. D.R.S.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

Division Five

A101728 -- Richard L. Roberts et al. v. Metalclad Insulation Corporation.

The judgment is reversed. Parties to bear their own costs. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

March 5, 2004

Court convened at 2:00 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Stevens, J., Simons, J., and Mary P. Quilez, Deputy Clerk.

A099858	PG & E Corp.
A099863	v.
A099864	Public Utilities Commission
A100892	Office of Ratepayer Advocates
A100895	Cause called and argued by John W. Stamper, Joseph M. Malkin, and
A100896	Henry Weissmann, counsel for petitioners, and by Dale Holzschuh and
A100897	Mary Mack-Adu, counsel for respondents. Cause ordered submitted.

Court adjourned at 2:40 p.m.

Monday, March 8, 2004

Division One

A102177 -- In re Latina R. et al., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Michael R. et al.

The order terminating parental rights is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Four

A102409 -- The People v. Demaris Lavette Crossley.

The judgment is affirmed. Kay, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Tuesday, March 9, 2004

Division One

A096721, A097810, A098799 -- Rose M. Bell et al. v. Farmers Insurance Exchange.

The Court: Order Modifying Opinion and Denying Rehearing.

It is ordered that the opinion filed herein on February 9, 2004, be modified in the following particulars. (See order.) There is no change in the judgment. The petition for rehearing is denied. Marchiano, P.J. (Certified for Publication.)

A099937 -- The People v. Shayne Dawkins.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

A100514 -- Insurance Commissioner of the State of California v. Golden Eagle Insurance Company; Ebimoto Properties.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A101127 -- Michael Salemme et al. v. Jose M. Perpetuo.

The judgment entered against Perpetuo on October 15, 2002, is modified as follows: (1) the amount awarded in connection with the 5656 Buena Vista loan is reduced from \$47,335 to \$38,000 (\$20,000 in principal plus \$18,300 in interest); (2) the amount awarded in connection with the 5560 Golden Gate loan is reduced from \$46,939 to \$43,107.12 (\$13,000 in principal plus \$30,107.12 in interest); (3) the amount awarded in connection with "Additional Loans" is reduced from \$39,375 to \$24,563 (\$15,000 in principal plus \$9,563 in interest); and (4) the award of attorney fees against Perpetuo in the amount of \$60,600.16 is reversed. These modifications, taken together, reduce the total amount of the judgment awarded against Perpetuo from \$580,703.21 to \$492,124.17. As so modified, the judgment is affirmed. In the interests of justice, the parties shall each bear their own costs and attorney fees on appeal. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Tuesday, March 9, 2004 (continued)

Division Four

A103505 -- The People v. Charles KY Anderson.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A103601 -- In re J.L., a Person Coming Under the Juvenile Court Law. Christina L. v. Curtis A.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Division Five

A102609 -- Francisco Foods, Inc., dba Burger King Restaurants v. AMCO Insurance Company, Calfarm Insurance Company.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Wednesday, March 10, 2004

Division One

A099774 -- Yvonne W. Scott v. Jing Yu Long.

The order denying plaintiff's motion for reconsideration is affirmed. The judgment is affirmed. Farmers is awarded its costs on appeal. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A102286 -- The People v. Nicoma Attebury.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A101228 -- The People v. Jason T. Dedrick.

The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

Division Four

A097943 -- April Chapman v. Bruce Enos et al.

The judgment is reversed and the cause is remanded for a new trial. Chapman shall recover her costs on appeal. Rivera, J. We Concur: Kay, P.J., Sepulveda, J. (Certified for Publication.)

A102484 -- David Grassi v. Diva Construction Management Services, Inc.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

Wednesday, March 10, 2004 (continued)

A102194 -- In re Miles P., a Person Coming Under the Juvenile Court Law. The People v. Miles P.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Sepulveda, J.
(Not for Publication.)

Division Five

A103215 -- John Foster Cruikshank v. City of Sausalito et al.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Gemello, J.
(Not for Publication.)

A103792 -- The People v. Calvin High.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J.
(Not for Publication.)

A102469 -- The People v. Bobby Bert Thrasher, Jr.

The Court: Order Modifying Opinion and Denying Rehearing. The opinion filed February 10, 2004, is ordered modified as follows: (See order.) There is no change in the judgment. Appellant's petition for rehearing is denied. Jones, P.J. (Not for Publication.)

Thursday, March 11, 2004

Division One

A102159 -- The People v. Sharon Elizabeth Frochen.

By the Court: The petition for rehearing is denied. Marchiano, P.J.

A101150 -- In re Shane L., a Person Coming Under the Juvenile Court Law. The People v. Shane L.

The orders and findings appealed from are affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A095433 -- The People v. James Ary, Jr.

We remand the case to the trial court with instructions to determine within sixty days, in a manner not inconsistent with this opinion, whether a retrospective competency hearing can be held. In the event such a hearing is held and defendant is found to have been competent to stand trial, we will consider the remaining issues raised in this appeal. In the event defendant is found to have been incompetent to stand trial, the judgment shall be reversed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Certified for Publication.)

Division Three

A101336 -- The People v. Jimenez.

By the Court: The petition for rehearing is denied. McGuinness, P.J.

A099550 -- Robert Lane v. Rolls-Royce Engine Services-Oakland Inc., et al.

By the Court: The petition for rehearing is denied. McGuinness, P.J.

Thursday, March 11, 2004 (continued)

Division Five

A099394 -- The People v. Michael Earl Scott.

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J.
(Not for Publication.)

Friday, March 12, 2004

Division One

A104403 -- In re Ella C., a Person Coming Under the Juvenile Court Law. Tyrone Williams v. Ella C.

The juvenile court's summary denial of the petition is vacated and the matter is remanded to the juvenile court for a hearing on the petition and such further proceedings as are consistent with this decision. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A095642 -- The People v. Lee Roy Robblee.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A103652 -- James Chaffee v. San Francisco Library Commission et al.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A101649 -- Robbie Levels v. Kaiser Permanente Medical Center.

By the Court: Appellant having failed to file a brief after notice given under rule 17(a)(1) of the California Rules of Court, the appeal is dismissed. Kline, P.J.

Division Five

A101908 -- Lonny Fufeld v. Vladimir Pokhlebaev et al.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Monday, March 15, 2004

Division One

A104003 -- In re Paul W., a Person Coming Under the Juvenile Court Law. The People v. Paul W.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Four

A104341 -- The People v. Edward J. Trick.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

Division Five

A105425 -- David James Bell v. Fairbanks Capital Corporation.

By the Court: Appellant David James Bell purports to appeal from the trial court's January 20, 2004 minute order granting respondent's motion to dissolve a preliminary injunction. Although the minute order specifically contemplated the entry of a formal written order, no such order has yet been entered. Until the trial court enters the formal order contemplated by its January 20, 2004 minute order, the above-referenced appeal is premature and, accordingly, is dismissed. Once a formal order has been entered, if appellant wishes to appeal, he should file a new notice of appeal with the clerk of the superior court. Jones, P.J.

Tuesday, March 16, 2004

Division One

A101954 -- JVC De Mexico, S.A. DE C.V. v. American President Lines, LTD.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A104221 -- The People v. Henry Christopher Bryant.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A097011 -- The People v. Demetrius Leslie Conwell et al.

A101881 -- In re Demetrius Leslie Conwell on Habeas Corpus.

A101927 -- In re Mario Christopher Washington on Habeas Corpus.

The judgment challenged by the appeal (A097011) is affirmed; the petitions for writ of habeas corpus (A101881 & A101927) are denied. Lambden, J. I Concur: Haerle, J. (See concurring and dissenting opinion by Kline, P.J.) (Not for Publication.)

A100091 -- The People v. Dwight Jackson.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Tuesday, March 16, 2004

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

At this point in the proceedings, Presiding Justice Kline announced that the panel for the first two cases would be himself and Justices Lambden and Ruvolo, the panel for next two cases would be himself and Justices Haerle and Lambden, and the panel for the last case on calendar would consist of Justices Haerle, Lambden and Ruvolo.

- A103678 Rainer Joachim Faerber
 v.
 The Hyde Law Corporation, et al.
Cause called and argued by Michael Dietrick, counsel for appellant and Peter Dixon, counsel for respondents. Cause ordered submitted.
- A102148 Howard Zack, et al.
 v.
 Marin Emergency Radio Authority
Cause called and argued by James Wagstaffe, counsel for appellant and Neil Bardack, Stephen Cassidy, Ann Danforth and Michael VanZandt, counsel for respondents. Cause ordered submitted.
- A101412 Mark D. Pineda
 v.
 Mary Ann Skidmore
 State Compensation Insurance Fund
Cause called and argued by Jeffrey A. Rosen, counsel for appellant and Russell Robinson, counsel for respondent. Cause ordered submitted.

A102512 Gene Alford Wilis
v.
Bank of America, et al.
Cause called and argued (telephonically) by Gene Willis, appellant in
propria persona and Cheryl Stevens and Gregory Myers, counsel for
respondent. Cause ordered submitted.

A101839 International Alliance of Theatrical Stage Employees and Moving Picture
Machine Operators of the United States and Canada, Local No. 16
v.
Charlotte Laughon
Cause called and argued by Daniel Siegel, counsel for appellant and W.
Daniel Boone, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Haerle, J. Lambden,
J., and I. Santos, Deputy Clerk. Presiding Justice Kline announces that the
panel for the remainder of the calendar will consist of himself, Justice
Haerle and Justice Ruvolo.

A103575 GMAC Mortgage Corporation,
v.
Teresita V. Lapid.
Cause called and argued by Johanna Ong, counsel for appellant, and Daniel
Healy, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Lambden left the bench and Justice
Ruvolo joined the bench.

A098900 Shannon L. Abraham,
v.
Pacific Union Real Estate et al.
Cause called and argued by David Mattingly, counsel for appellant, and
David Parker, counsel for respondent. Cause ordered submitted.

A098051 Hayward Area Planning Association et al.,

v.
Alameda County Transportation Authority et al.
Cause called and argued by Tony Anziano, counsel for appellant, and
Stuart Flashman, counsel for respondent. Cause ordered submitted.

A099416 Jane Chamberlain,
v.
San Francisco Unified School District et al.
Cause called and argued by Richard Peterson, counsel for appellant, and
Anthony Grumbach, counsel for respondent. Cause ordered submitted.

A101477 Kelly Kearney et al.,
v.
Salomon Smith Barney, Inc.
Cause called and argued by Edward Zusman, counsel for appellant, and
William Alderman, counsel for respondent. Cause ordered submitted.

A102841 Grace Vasquez,
v.
Money Mart Express, Inc.
Cause called and argued by Hilary Miller, counsel for appellant, and Roger
Rubin, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

Tuesday, March 16, 2004 (continued)

Division Three

A104944 -- The People v. Tony Lee Marsh.

In sum, we find no arguable issues for review pursuant to *People v. Wende*, *supra*, 25 Cal.3d 436. The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A103140 -- The People v. Christina Cheril Ott.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

Division Five

A102348 -- The People v. Sabino I. Ibarra.

The restitution fines of \$600 imposed on April 14, 2003, are stricken. The original two fines of \$200 each are reinstated. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Wednesday, March 17, 2004

Division One

A102850 -- In re UGO G., a Person Coming Under the Juvenile Court Law. The People v. UGO G.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

A101750 -- The People v. Daryl Keith Howard.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A102867 -- In re the Marriage of Bert J. Postma and A. Catrin Hasson.

Accordingly, the judgment is affirmed. Costs on appeal are awarded to respondent. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A101809 -- The People v. Monica E. Butler.

Butler's conviction under section 496, subdivision (a), for receiving stolen property, is reversed. The trial court is directed to vacate the verdict with respect to the charge of receiving stolen property in Count 10 of the amended information in Case No. SC052415, and to prepare and forward to the Department of Corrections an amended abstract of judgment. In all other respects the judgments in Case Nos. SC049259 and SC052415 are affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A101894 -- The People v. Timothy Douglas Morse.

The court: The opinion filed on March 5, 2004, is certified for publication pursuant to rules 976(b) and 976.1, of the California Rules of Court, and it is ordered published in the official reports, with the exception of parts II, III, and IV. Haerle, Acting P.J. (Certified for Partial Publication.)

Wednesday, March 17, 2004 (continued)

Division Three

A103241 -- Graybar Electric Company v. Mark Fosselman.

The judgment is affirmed. Gaylord shall recover its costs on appeal.
Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

Division Five

A103103 -- Moon Yuen Chia v. Hao Xu.

The order is affirmed. Respondent is awarded her costs and attorney fees on appeal. The case is remanded to the trial court to determine the amount of costs and fees. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

A105814 -- Robin Johnson v. Workers' Compensation Appeals Board and Federal Express Corporation et al.

By the Court: In her petition for extraordinary relief, petitioner Robin Johnson acknowledges that she failed to file the above-referenced petition within 45 days after respondent Workers' Compensation Appeals Board denied reconsideration in the underlying matter. Because the 45-day filing deadline is jurisdictional, the petition is hereby dismissed as untimely. (See *Camper v. Workers' Comp. Appeals Bd.* (1992) 3 Cal.4th 679; Lab. Code, § 5950.) Jones, P.J.

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

March 17, 2004

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Stevens, J., Simons, J., and Mary P. Quilez, Deputy Clerk.

- A102593 MHC Financing Limited Partnership
 v.
 City of San Rafael
 Cause called and argued by Elliot Lewis Bien, counsel for appellant, and
 by Kenneth R. Morris, counsel for respondent and Hussein Mohammad
 Saffouri, counsel for intervenor.
- A102152 Eveilia Plancarte
 v.
 Guardsmark, Inc. Cause called and argued by Steven Leo Derby, counsel
 for appellant and by Guy Stinson, counsel for respondent. Cause ordered
 submitted.
- A101584 Walid Mando
 v.
 Ronald L. Aloise, et al.
 Cause called and argued by Jan T. Chilton, for appellant, and by Peter
 Simon, and Kirby Charles Hock, counsel for respondent. Cause ordered
 submitted.
- A103731 Reverse Mortgage Cases.
 Cause called and argued by Robert J. Prata, counsel for appellants, by Niall
 P. McCarthy, and Dirk Schenkkan, counsel for respondents. Cause ordered
 submitted.

- A100773 The People
v.
Emmanuel Moreno
Cause called and argued by Anthony J. Dain, counsel for appellant, and by Christina Vom Saal, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A103494 Thomas J. Boyle
v.
J. Paul Sosnowski, et al.
Cause called and argued by Kenneth R. Morris, counsel for appellant, and by Albert E. Cordova, counsel for respondents. Cause ordered submitted.
- A101500 Michael C. Clement Corporation
v.
City of Antioch
Cause called and argued by Kenneth R. Morris, counsel for appellant and by Richard T. Bowles, and Paul Kleven, counsel for respondent. Cause ordered submitted.
- A102104 In re the Marriage of Schmidt and Green.
Randolph Carl Green
v.
Karen Marie Schmidt
Cause called and argued by Jessica R. Flores, counsel for appellant and Bernard R. Wolf and Linda C. Tavis, counsel for respondent. Cause ordered submitted.

Court adjourned at 12:00 p.m.

Thursday, March 18, 2004

Division One

A102625 -- The People v. Bruce Orlando Findley.

The conditions of probation are modified to delete the requirement to pay the \$100 probation supervision fee, but the order that defendant pay such a fee is affirmed. As modified consistent with this opinion, the probation order (judgment) is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A101531 -- The People v. Joselito Ricafort.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A102924 -- The People v. Scedrick Osker Tippins.

By the Court: The petition for rehearing is denied. Marchiano, P.J.

Division Two

A102612 -- The People v. Spencer Allan Thompson.

The order of commitment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A100631 -- Victor Trinchese, et al. v. Union Carbide Corporation.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A101492 -- The People v. Adan Torres Ortega.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

Thursday, March 18, 2004 (continued)

A101563 -- The People v. Kevin Roger Williams.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

Division Four

A104582 -- The People v. Edmundo Gasco-Casique.

Judgment is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

A101669 -- The People v. Perry Wayne Freeman.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

A102399 -- Pacific Lumber Company et al. v. California State Water Resources Control Board.

The writ of mandate is reversed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Certified for Partial Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

March 18, 2004

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Simons, J., Gemello, J., and Mary P. Quilez, Deputy Clerk.

- A102604 Willie Booker
v.
Boxer and Gerson
Kemper Insurance Group
Cause called and argued by Frank B. Hugg, counsel for appellant, and by Thomas G. Lewellyn and Ralph A. Lombardi, counsel for respondent. Cause ordered submitted.
- A103479 City and County of San Francisco
v.
GCS, Inc., et al.
Cause called and argued by Claire Sylvia, counsel for appellants, and by G. Whitney Leighton and Eumi K. Lee, counsel for respondent. Cause ordered submitted.
- A099808 The People
v.
Tanielu Nuualofa
Cause called and argued by Richard Such, counsel for appellant, and by Nancy H. Tung, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A102565 The People
v.
Rodney C. Woods
Cause called and argued by Alexander Paul Green, counsel for appellant, and by David M. Baskind, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court adjourned at 10:40 a.m.

Friday, March 19, 2004

Division One

A103604 -- In re Carlos D., a Person Coming Under the Juvenile Court Law. The People v. Carlos D.

The matter is remanded to the juvenile court to specify the maximum period of confinement as required by rule 1494. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A100588 -- In re Marriage of William Schuneman and Cheryl Bellrose. William Schuneman v. Cheryl Bellrose.

The judgment is affirmed. Costs on appeal to respondent William Schuneman. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Three

A100526 -- In re Joseph C., a Person Coming Under the Juvenile Court Law. The People v. Joseph C.

The dispositional and jurisdictional orders are reversed. The matter is remanded to the juvenile court with directions to allow Joseph to withdraw his admission to the allegation in the petition and to exercise its discretion whether to grant delayed entry of judgment. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Division Four

A102115 -- The People v. Donell Lewis.

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Monday, March 22, 2004

Division One

A100749 -- The People v. Arvind Balu.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A102337 -- The People v. Jacquie M. Engel.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A103066 -- The People v. Carlos Alfred Medina.

The judgment is reversed and the matter remanded to the trial for a formal probation revocation hearing. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A102597 -- The People v. David Turecki.

The abstract of judgment shall be corrected to delete the reference to an 11-year enhancement to count one, and state that the base term is 22 years. The corrected abstract of judgment shall be served on the Department of Corrections. In all other respects, the judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A103855 -- The People v. James Wilber McGray.

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Monday, March 22, 2004 (continued)

Division Three

A101473 -- In re Richard G., a Person Coming Under the Juvenile Court Law. The People v. Richard G.

The jurisdictional findings on Counts One and Three are affirmed. This matter is remanded to the juvenile court to fix and record a maximum period of confinement pursuant to rule 149(b) and to modify the record to reflect 170 days of custody credits as of the December 19, 2002, dispositional hearing.

McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Five

A103198 -- In re Michael J., a Person Coming Under the Juvenile Court Law. Mendocino County Department of Social Services v. Antonio M.

The dispositional order is affirmed. Stevens, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

Tuesday, March 23, 2004

Division One

A102298 -- The People v. Melvin Lee Henderson.

We are convinced the trial court did not abuse its discretion by refusing to dismiss or set aside the prior robbery conviction and denying defendant probation. (*People v. Ortega, supra*, 84 Cal.App.4th 659, 666.) Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A099621 -- The People v. Clarence Spears.

The Court: Order Modifying Opinion and Denying Rehearing. It is ordered that the unpublished opinion filed herein on February 27, 2004, be modified as follows: (See order.) There is no change in the judgment. Appellant's petition for rehearing is denied. Kline, P.J. (Not for Publication.)

Division Four

A102274 -- In re Isaiah L., a Person Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services v. Michael L.

The jurisdictional findings and dispositional order are affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A103718 -- The People v. Patricia Ann Wertz.

Judgment affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, March 23, 2004

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco, California. Present: Kay, P.J., Reardon, J., and Sepulveda, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

A102950 People
 v.
 Charles F.
Cause called. Valerie West argued for appellant Charles F. Jack Newman argued for respondent. Cause submitted.

A098387 People
 v.
 Milton Lewis
Cause called. Richard Braucher argued for appellant Lewis. Aileen Bunney argued for respondent. Cause submitted.

A101288 William E. Kennedy
 v.
 FRB, Inc.
Cause called. Samuel E. Goldstein argued for appellant Kennedy. William C. Dresser argued for respondent. Cause submitted.

At this point the court reconstituted itself to include: Kay, P.J., Reardon, J. and Rivera, J.

A101342 Tracy Dugar
 v.
 United Parcel Service, Inc.
Cause called. W. Ruel Walker argued for appellant Dugar. Robert Walker argued for respondent. Cause submitted.

A104367 City of Modesto Redevelopment et al.

v.

San Francisco Superior Court

Cause called. Michael Axline argued for petitioners City of Modesto et al.

Gary J. Smith argued for real party in interest PPG Industries. Cause submitted.

The court recessed at 11:34 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, March 23, 2004

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Sepulveda, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Aron Ching, Bailiff.

A100738 Susan Di Benedetto

v.

Christopher E. Grell

Cause called. In pro per appellant Christopher E. Grell argued. Douglas N. Akay argued for respondent. Cause submitted.

At this point, the Court reconstituted itself to include Kay, P.J., Reardon, J., and Rivera, J.

A091787 Jackson Plaza Homeowners Association

A092000 v.

A092062 Alcal Roofing and Insulation et al.

A092084 Causes called. Daniel U. Smith argued for appellant Jackson Plaza. Joel

A092537 Liberson and Susan H. Handelman argued for respondents. Causes submitted.

A092730

At this point, the Court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A103162 Catherine Hanson Grant

v.

Philip Ernest Anselmo

Cause called. In pro per appellant Philip Ernest Anselmo argued. No appearance by respondent because she had earlier waived oral argument. Cause submitted.

The Court adjourned at 2:43 p.m.

Tuesday, March 23, 2004 (continued)

Division Five

A103494 -- Thomas J. Boyle v. J. Paul Sosnowski et al.

The ruling of the trial court is affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

A102583 -- In re Ashley J. et al., Persons Coming Under the Juvenile Court Law. San Mateo County Human Services Agency v. Ruben J.

The order terminating parental rights is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Wednesday, March 24, 2004

Division One

A099987 & A102435 -- The People v. Ruben Garcia Gonzalez et al.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Certified for Partial Publication.)

A100715 -- The People v. Alexander Jaime.

The sentence is modified to provide that defendant shall serve only one 5-year term pursuant to Penal Code section 667, subdivision (a). The trial court shall amend the abstract of judgment and forward copies of the corrected abstract to the Department of Corrections. As so modified, the judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

A103029 -- Franca Bannerman et al. v. Edward Reidy, as Trustee, etc., et al.

We reverse that part of the trial court's order denying the SLAPP motion with respect to the first cause of action. We otherwise affirm that part of the order denying the motion with respect to the second through seventh, and twelfth and thirteenth causes of action. The parties are to bear their own costs. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A102481 -- Nikko Blunt v. Rehabicare, Inc.

The appeal against Solano Sports, Kasis, Therakinetix, and Rehabicare is dismissed. Blunt is to pay costs. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A101518 -- In re Miles D., a Person Coming Under the Juvenile Court Law. The People v. Miles D.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Wednesday, March 24, 2004 (continued)

A102512 -- Gene Alford Willis v. Bank of America, Inc. et al.

The judgment is affirmed; respondents are awarded their costs on appeal.
Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A098701 -- The People v. Kurt Whittenburg.

By the Court: The petition for rehearing is denied. McGuinness, P.J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, March 24, 2004

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness P.J., Corrigan J., Pollak, J. and C. Turner, Deputy Clerk.

A099324 Amin Al-Yassin,

v.

Hashim Al-Yassin,

Cause called and argued by Bradley Mark Kass, counsel for appellant, and Mark Haeslope, counsel for respondent. Cause ordered submitted.

A102926 George Liska,

v.

The Arns Law Firm, et al.

Cause called and argued by Susan Petro, counsel for appellant, and Morgan Smith, counsel for respondent. Cause ordered submitted.

A102388 The People,

v.

Kevin Isdore Liebig,

Cause called and argued by David Sanders, counsel for appellant, and Ronald E. Niver, counsel for respondent. Cause ordered submitted.

Justice Parrilli took here place on the bench.

A102513 Stanley Janik,

v.

Rudy Exelrod & Zieff, et al.,

Cause called and argued by Jeffrey Neil Wilens, counsel for appellant, and Michael P. Bradley, counsel for respondent. Cause ordered submitted.

Justice Pollak left the bench.

A100725 John Purcell, et al.,

v.

Varian Medical Systems, Inc.

Cause called and argued by Lloyd F. Leroy, counsel for appellant, and Fred Blum, counsel for respondent. Cause ordered submitted.

A096854 The People,
v.
Thomas Franklin Wheelock,
Cause called and argued by Randy Perry Baker, counsel for appellant, and
Christina Vom Saal, counsel for respondent. Cause ordered submitted.
Justice McGuinness left the bench and Justice Pollak returned to the bench.

A098722 The People,
v.
Carlos Alcantara,
Cause called and argued by Violet Elizabeth Grayson, counsel for appellant,
and Jeremy Friedlander, counsel for respondent. Cause ordered submitted.

A100487 The People,
v.
Darrell Snowden,
Cause called and argued via tele-conference by David S. Krueger, counsel
for appellant, and Christina Von Saal, counsel for respondent. Cause ordered
submitted.

Court adjourned

Thursday, March 25, 2004

Division One

A103502 -- The People v. Jose Luis Bribiesca Martinez.

By the Court: The petition for rehearing is denied. Stein, Acting P.J.

Division Two

A098526 -- San Diego County Water Authority et al. v. Metropolitan Water District of Southern California et al.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Certified for Partial Publication.)

A103399 & A104132 -- Peter Fimrite et al. v. Deborah Grossberg.

The judgment is affirmed. The Firmrites are awarded costs. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Division Three

A103490 -- In re Robert G., a Person Coming Under the Juvenile Court Law. The People v. Robert G.

The juvenile court's order is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A097435 -- John Garamendi, as Insurance Commissioner, etc. v. Golden Eagle Insurance Company; Scott Cade et al.

The Court: The petition for rehearing is denied. McGuiness, P.J.

Thursday, March 25, 2004 (continued)

Division Four

A102773 -- Citizens For Better Streets et al. v. Board of Supervisors of the City and County of San Francisco et al.

By the Court: Good cause appearing, appellants' unopposed request for publication of this Court's February 26, 2004 opinion is granted. Said opinion is now certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is ordered published in the official reports. Kay, P.J.

Division Five

A100773 -- The People v. Emmanuel Moreno.

The judgment is reversed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Friday, March 26, 2004

Division One

A104225 -- In re Cory A., a Person Coming Under the Juvenile Court Law. The People v. Cory A.

We have thoroughly reviewed the record and find no arguable issues. There are no issues requiring further briefing. The dispositional order is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A104727 -- Contra Costa County Children and Family Services Bureau v. The Superior Court of Contra Costa County; Lynda O., R.P.I.

The juvenile court erred when it granted mother's motion to set aside the jurisdictional findings based on the appointment of the guardian ad litem. Sara D. has no application to the facts of this case. Moreover, while a party may move to vacate the appointment of a guardian ad litem made in violation of the due process requirements enunciated in *Sara D.*, *supra* 87 Cal.App.4th 661, that case may not be applied to vacate final orders of the juvenile court in dependency proceedings, absent a petition filed pursuant to section 388 and proceedings in accordance with that section. Therefore, let a peremptory writ of mandate issue commanding respondent, Contra Costa County Superior Court, in *In re Angelyca M.* (Super. Ct., Contra Costa County, 2003, No. J99-00168), to set aside the orders entered October 3, 2003, setting aside the original jurisdictional findings, and November 13, 2003, setting a new contested jurisdictional hearing for December 12, 2003, and to instead deny the motion to set aside the jurisdictional findings of May 14, 1999. The stay previously imposed shall remain in effect until the remittitur issues. The parties shall bear their own costs. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Certified for Publication.)

A101380 -- The People v. Joseph Henry Ellington.

The judgment is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A101150 -- In re Shane L., a Person Coming Under the Juvenile Court Law. The People v. Shane L.

By the Court: The petition for rehearing is denied. Marchiano, P.J.

Friday, March 26, 2004 (continued)

A103480 -- Azadeh B. Maroufi v. Steven Gourley, as Director, etc.

The order granting the writ of mandamus is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

A104939 -- The People v. Tony Walker.

The court found sufficient evidence to revoke probation. At the sentencing hearing, after listening to argument from defense counsel, the court sentenced defendant to the middle term of three years for the 2001 assault conviction, awarded appropriate presentence credits, and imposed proper fines. Competent counsel represented defendant at all proceedings. Substantial evidence supports the court's findings. There were no sentencing errors. The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

Division Two

A099818 -- The People v. Raymond Chatman, Jr.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Division Three

A102506 -- The People v. Charles Edward Banks.

The judgment is affirmed. Corrigan, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

A100564 -- John Purcell et al. v. Oakfabco, Inc.

The judgment is reversed and the case remanded for further proceedings. Corrigan, J. We Concur: McGuinness, P.J., Pollak, J. (Not for Publication.)

A100487 -- The People v. Darrell Snowden.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

Friday, March 26, 2004 (continued)

Division Four

A099094 -- The People v. David J. Barreda.

The Court: Order Modifying Opinion and Denying Rehearing. It is ordered that the opinion filed herein on March 3, 2004, be modified as follows: (See order.) There is no change in the judgment. The petition for rehearing is denied. Kay, P.J. (Not for Publication.)

A102950 -- In re Charles F., a Person Coming Under the Juvenile Court Law. The People v. Charles F.

The order is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

A102203 -- The People v. Jason Peter Frank.

The judgment of conviction is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A101288 -- William Kennedy v. FRB, Inc.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

A103596 -- Lucia Prado v. Fred Damato et al.

The order of the trial court is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A098176 -- The People v. Ronnie Earl Seymour.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

Friday, March 26, 2004 (continued)

Division Five

A103731 -- In re Reverse Mortgage Cases. (JCCP No. 4061)

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Gemello, J.
(Not for Publication.)

Monday, March 29, 2004

Division One

A100213 -- The People v. Robert Lee Martin.

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A103693 -- Maureen O'Toole v. Regents of the University of California, et al.

A104969 -- Maureen O'Toole v. Regents of the University of California, et al.

By the Court: Respondents' motion to consolidate the above-referenced appeals is granted for purposes of briefing, argument and decision. Both case numbers shall appear on all documents filed in this Court. Respondents' consolidated brief shall be due 30 days from the filing of appellant's opening brief in A104969. Appellant may file a consolidated reply brief 20 days from the filing of respondents' brief. Marchiano, P.J.

Division Two

A103950 -- In re Oscar D., a Person Coming Under the Juvenile Court Law. The People v. Oscar D.

By the Court: Appellant having filed an abandonment of appeal in this court, the appeal is dismissed and the remittitur is to issue forthwith. Haerle, Acting P.J.

A101788 -- Mary C. Keitel v. George W. Heubel, et al.

By the Court: The petition for rehearing is denied. Kline, P.J.

Monday, March 29, 2004 (continued)

Division Three

A100879 -- The People v. Steven B. Young.

The appeal is dismissed. (Cf. *Fares, supra*, 16 Cal.App.4th at p. 959; *Wrice, supra*, 38 Cal.App.4th at p. 773; *People v. Robinson* (1994) 25 Cal.App.4th 1256, 1258-1259, disapproved on the other grounds in *Buckhalter, supra*, 26 Cal.4th at pp. 39-40.) Young may move the trial court for appropriate relief. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

Division Four

A103954 -- In re James C., a Person Coming Under the Juvenile Court Law. The People v. James C.

The restitution order is vacated and the cause remanded with directions to recalculate the amount of restitution in accordance with the views expressed in this opinion. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A103790 -- The People v. Mary Eva Crawford.

Judgment affirmed. Reardon, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

Division Five

A103893 -- Carolyn Sanford v. Lloyd Curtis Cooper.

The order of dismissal is reversed, and the matter is remanded to the trial court with instructions to enter a new order, providing that the action should be stayed, not dismissed. Appellant shall recover her costs on this appeal. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Tuesday, March 30, 2004

Division Two

A099120 -- The People v. Elizabeth Fuentes-Ortiz.

The fine imposed under section 1202.45 is stricken. In all other respects, the judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A102415 -- In re D.S., a Person Coming Under the Juvenile Court Law. The People v. D.S.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A099324 -- Amin Al-Yassin v. Hashim Al-Yassin.

The judgment and rulings of the trial court are affirmed. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

A102080 -- The People v. Ronald J. Baldini.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A102920 -- The People v. Frank Andrew Charles.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A103090 -- In re Ashley D., et al., Persons Coming Under the Juvenile Court Law. Contra Costa Department of Social Services v. Larry D.

The orders dated June 16, 2003, are affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

Tuesday, March 30, 2004 (continued)

A102466 & A105796 -- The People v. Ernest Daniels, Jr.

In re Ernest Daniels, on Habeas Corpus.

The judgment is affirmed. The petition for writ of habeas corpus is denied. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A102388 -- The People v. Kevin Isdore Liebig.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A102926 -- George Liska v. The Arns law Firm et al.

The judgment is reversed and the matter is remanded to the trial court for proceedings consistent with this opinion. Liska shall recover his costs on appeal. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Certified for Publication.)

A100725 -- John Purcell, et al. v. Varian Medical Systems, Inc.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A103339 & A104154 (Consolidated) In re the Marriage of Dawn and Shawn Quinlivan. Shawn P. Quinlivan v. Dawn V. Quinlivan.

The judgment and post-judgment orders are affirmed. Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A104192 -- In re Wyatt W., a Person Coming Under the Juvenile Court Law. The People v. Wyatt W.

In sum, we find no arguable issues for review pursuant to *People v. Wende, supra*, 25 Cal.3d 436. The dispositional order of September 19, 2003, is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A104053 -- Frederick St. John Wilson III v. Berkeley Long-Term Care et al.

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

Tuesday, March 30, 2004 (continued)

Division Four

A103599 -- Earl Anthony Bowling, Inc. v. Corrie Development Corp.

The order is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J.
(Not for Publication.)

A103162 -- Catherine Hanson Grant v. Phillip E. Anselmo.

We reverse the trial court's order of sanctions against defendant. In all other respects, the judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A102037 -- The People v. Erick Anthony Hill.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A098387 -- The People v. Milton Lewis, Jr.

The judgment is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Certified for Partial Publication.)

A104310 -- In re Cody M., a Person Coming Under the Juvenile Court Law. The People v. Cody M.

The Court has been asked to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We have done so. The minor was represented by counsel throughout. The findings of the court and conditions of probation imposed at the uncontested disposition hearings were supported by substantial evidence, consistent with the recommendations of the probation officer and in the best interests of the minor. We find no error or issues requiring further briefing. The orders declaring the minor a ward of the court and committing him to the probation officer for out-of-home placement are affirmed. Kay, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

A104509 -- In re Diego M., a Person Coming Under the Juvenile Court Law. The People v. Diego M.

The order is affirmed. Rivera, J. We Concur: Kay, P.J., Sepulveda, J.
(Not for Publication.)

Tuesday, March 30, 2004 (continued)

A103622 -- The People v. Richard Steven Powers.

The trial court's orders sustaining demurrers to the People's complaints and denying the People's motion to reinstate the Penal Code section 115 charges are reversed, and the charges are reinstated. The case is remanded to the Sonoma County Superior Court for proceedings consistent with this opinion. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Certified for Publication.)

A104187 -- In re Jacob S., a Person Coming Under the Juvenile Court Law. The People v. Jacob S.

The dispositional order is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

A102630 -- In re Marcello T., a Person Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services v. Alejandro T.

The order is affirmed. Reardon, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

A101521 -- The People v. Bryant Dewayne Turner.

The conviction of receiving stolen property is stricken. The trial court is ordered to issue an amended abstract of judgment reflecting this modification. As modified, the judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A103915 -- The People v. Indugo Asifa Williams.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Tuesday, March 30, 2004 (continued)

Division Five

A101619 -- The People v. Ricky Benjamin Valley.

The judgment sentencing Valley to a three-year prison term is reversed and the matter is remanded to the superior court to reopen the probation revocation hearing. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)